

**Selectmen's Minutes**  
**Town Hall, 2<sup>nd</sup> Floor Stage Conference Area, 30 Martin Street**

**July 15, 2019**

Present: Chairman Andrew C. Spinney, Selectman Peter D. Phippen, Selectman Ruth R. Peraan, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Bob Jerin, Tina Lane, Bill Liberti, Amy Robinson, Thomas Riordan, and James Stavros.

Chairman Spinney called the meeting to order at 6:00 p.m. in the second floor conference area of the Town Hall and announced that the Board would hear Public Comment. No one offered any comment.

Thomas Riordan, the owner/manager of A Ripple on the Water, joined the Board and a motion was made, seconded, and unanimously voted to approve his request to close Ripple on the Water for cleaning and repairs from July 16 through October 1, 2019. Mr. Riordan thanked the Board and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the FY19 weekly warrant in the amount of \$74,418.50 and the FY20 weekly warrant in the amount of \$86,888.29.

A motion was made, seconded, and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the FY2019 06-30-19 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	6/24/2019	\$ 494.21	Police
Ernie Nieberle	Nieberle's	6/24/2019	\$ 256.45	Fire

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's July 1, 2019, Open Meeting.

A motion was made, seconded, and unanimously voted to approve minor changes to the minutes for the Selectmen's June 17, 2019, Open Meeting, as suggested by one of the attendees.

A motion was made, seconded, and unanimously voted to adopt a resolution approving the 2019 update of the Hazard Mitigation Plan for the Town.

A motion was made, seconded, and unanimously voted to sign a contract amendment in the amount of \$468,220 with Johnson Roberts Associates for Design Services pertaining to the proposed new public safety facility through the project bid phase.

At 6:05 p.m., a motion was made, seconded, and unanimously voted to open a Public Hearing regarding a request for an Alteration of Premises and for a Change of Corporate Name by Cape Ann Golf Club. James Stavros, the owner/manager of the business, joined the Board and

reviewed his request. Chairman Spinney asked if anyone had any comments for or against the request and no one did. Mr. Stavros answered a couple of questions. There being no other comments or questions, a motion was made, seconded, and unanimously voted to close the hearing. There was no discussion and a motion was made, seconded, and unanimously voted to approve the requests for a change of corporate name and an alteration of premises. The Board signed the application forms which will be forwarded to the Alcoholic Beverage Control Commission for final approval. Mr. Stavros left the meeting.

A motion was made, seconded, and unanimously voted to sign a contract amendment in the amount of \$27,702 with NV5 for Project Management pertaining to the proposed new public safety facility through the project bid phase.

The Board discussed the suggestions drafted by interested residents for a plastics ban bylaw and agreed to review them in depth for discussion at their August 12<sup>th</sup> meeting. In the meantime, the drafts will be forwarded to Town Counsel for review.

A motion was made, seconded, and unanimously voted to appoint Patrolman Daniel Bruce to the Town Building Committee as of August 1, 2019. The Board signed his appointment card. Mr. Bruce will replace Police Chief Peter Silva, who is retiring.

A motion was made, seconded, and unanimously voted to sign a letter of support with respect to a grant application by the Trustees for salt marsh remediation.

Concerning Conomo Point matters, the Board discussed the problem of maintenance of the planted beds at Conomo Point Park and at the related parking area. Mr. Zubricki said he had asked the President of the Conomo Point Association if anyone would like to volunteer to weed the beds and she had informed him that there were no volunteers. The Department of Public Works is under staffed and only able to mow the grass and trim with a string cutter. Mr. Zubricki said that a film company has asked for permission to film parts of a movie on Conomo Point and might agree (as part of their fee to the Town) to hire a landscaper to perform an initial clean-up and replacement of dead or dying plants. Mr. Zubricki also said that the Town's solid waste handler wants to withdraw their part-time employee who works at the Town's dump, which, if agreed to by the Town, would require the Town to hire someone to take the solid waste employee's place. Perhaps the new Town employee could also take care of weeding at the Park, among other similar tasks. Chairman Spinney and Selectman Preen agreed to get quotes from landscaping firms and also suggested that the agricultural schools may provide students as part of their community service requirement. The Board decided to make a site visit to the Point after tonight's meeting to assess areas of the Point that may benefit from additional landscaping maintenance.

The Board considered a request for the use of portions of Conomo Point for the filming of a movie and a motion was made, seconded, and unanimously voted to authorize the Chairman to negotiate with the film group regarding the fee to be paid to the Town and/or landscaping work to be provided.

The Board said they are aware of Town Counsel's guidance about whether leased accessory lots at Conomo Point (either vacant or with outbuildings) including the parcel at Map 108, Lot 46, should potentially be converted from year-to-year leases to longer term leases. Town Counsel has advised that, while a matter of policy, it may be premature for the Town to give up control of property that may be needed in the future to facilitate/provide more public access at the Point. Previous Board members had arranged for the year-to-year leases for accessory lots and the present Board does not yet know whether the Town's continuing effort to improve the Point will require some of these lots for support functions, such as parking or storage. It is up to the Board as to whether any changes in policy should be instituted at this time. Amy Robinson stated that the Board has previously granted lease conversions on accessory lots in two different cases and that there is no reason not to grant her request to extend the lease term on her accessory lot from year-to-year to a longer term, since she feels that her request is the same as those other examples. Mr. Zubricki said that one of the cases she cited had not been extended, but had originally been agreed to by the Board as a 20-year lease, since it served as a residence at one time and may again. The other case, which was an actual conversion, involved a lot that was too small to be of any future use to the Town, with the tenant's reason for requesting the change being provision of off-street parking. The Board viewed the two examples cited by Ms. Robinson as not being similar to her request and felt that allowing her request might set a precedent for other leaseholders who are similarly situated to her (of which there may be over a dozen). Unlike the only lot that did receive a conversion to date (which is very small), the lot leased by Ms. Robinson is large enough to be useful, either on its own or in combination with other abutting and area lots. The Board reiterated that they saw wisdom in Town Counsel's guidance and would not take any action at present on this matter. Ms. Robinson left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period June 29<sup>th</sup>, 2019 through July 12<sup>th</sup>, 2019, regarding the following:

Economic Development Committee Meeting Summary: Mr. Zubricki reported on the recent EDC meeting that he attended, along with Selectman Preen and Town Planner Coogan. MAPC Representative Mr. Gonzalez reviewed the Town's current business and economic information and outlined the process for creating an economic development plan for the Town. The next EDC meeting is scheduled for September 17 on the Town Hall Stage.

Acting in their capacity as Personnel Board, the Board made a motion, which was seconded and unanimously voted to approve carrying forward into FY2020 approximately 2 days of additional vacation time for the Treasurer/Collector.

Acting in their capacity as Licensing Board, the Board discussed at length several requests from Woodman's for one-day licenses. Subsequently, a motion was made, seconded, and unanimously voted to approve the following requests:

One-Day Wine & Malt Licenses:

- Woodman's Inc., Steve Woodman, for use on Friday, July 19, 2019, between the hours of 11:00 a.m. and 5:00 p.m. within the confines of the Woodman's Salt Marsh Tent at 121 Main Street.

One-Day Entertainment Licenses:

- Woodman's Inc., Steve Woodman, for use on Sunday, August 11, 2019, between the hours of 3:00 p.m. and 8:00 p.m. within the confines of the Woodman's Top Deck at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Sunday, August 25, 2019, between the hours of 3:00 p.m. and 8:00 p.m. within the confines of the Woodman's Top Deck at 121 Main Street.

A motion was made, seconded, and unanimously voted to approve the following **amended** requests:

One-Day Entertainment Licenses:

- Woodman's Inc., Steve Woodman, for use on Wednesday, July 31, 2019, **between the hours of 6:00 p.m. and 11:00 p.m., amended to be between the hours of 6:00 p.m. the end of the movie**, within the confines of the Woodman's Salt Marsh Tent at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Friday, August 2, 2019, **between the hours of 5:00 p.m. and 9:00 p.m., amended to be between the hours of 5:00 p.m. and 8:00 p.m.**, within the confines of the Woodman's Salt Marsh Tent at 121 Main Street.

The Board agreed to table the following requests for one-day licenses pending further discussion with Woodman's regarding the hours and types of entertainment:

One-Day Wine & Malt Licenses:

- Woodman's Inc., Steve Woodman, for use on Tuesday, August 6, 2019, between the hours of 5:00 p.m. and 11:00 p.m. within the confines of the Woodman's Salt Marsh Tent at 121 Main Street.

One-Day Entertainment Licenses:

- Woodman's Inc., Steve Woodman, for use on Wednesday, August 7, 2019, between the hours of 6:00 p.m. and 11:00 p.m. within the confines of the Woodman's Salt Marsh Tent at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Friday, August 9, 2019, between the hours of 4:00 p.m. and 9:00 p.m. within the confines of the Woodman's Salt Marsh Tent at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Wednesday, August 14, 2019, between the hours of 6:00 p.m. and 11:00 p.m. within the confines of the Woodman's Salt Marsh Tent at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 10, 2019, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of the Woodman's Function Hall Lawn at 121 Main Street.

- Woodman's Inc., Steve Woodman, for use on Saturday, August 17, 2019, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of the Woodman's Function Hall Lawn at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, August 24, 2019, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of the Woodman's Function Hall Lawn at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Friday, September 6, 2019, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of the Woodman's Function Hall Lawn at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, September 7, 2019, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of the Woodman's Function Hall Lawn at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Friday, September 13, 2019, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of the Woodman's Function Hall Lawn at 121 Main Street.
- Woodman's Inc., Steve Woodman, for use on Saturday, September 14, 2019, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of the Woodman's Function Hall Lawn at 121 Main Street.

Bob Jerin left the meeting.

Review of Draft Purchase & Sale Agreement for Cogswell Road Lot Sale: Mr. Zubricki reviewed the Purchase & Sale Agreement for the Cogswell Road Lot Sale as drafted by Town Counsel and a motion was made, seconded, and unanimously voted to offer the draft agreement to Bill Liberti, one of the abutters purchasing the property, for review by his group. Mr. Liberti thanked the Board and left the meeting. It was explained to Mr. Liberti that the provision of the draft document did not constitute any type of agreement between the parties and merely serves as an opportunity for the abutters to conduct an initial review of the proposed terms.

Contract with mooringinfo.com for Future Mooring Payment/Management: Mr. Zubricki informed the Board that agreement has been reached regarding a contract to provide mooring management to the Town. A motion was made, seconded, and unanimously voted to approve and sign the contract. The entire cost of the new service will be borne by the user and not by the Town. It is anticipated that the new service will be in place for use when the 2020 spring mooring season begins.

Possible Solid Waste Contract Amendment with Covanta: Mr. Zubricki said that the Town is presently in the middle of a ten-year contract with Covanta for removal of the Town's solid waste. Covanta has asked the Town to replace Covanta's part-time employee who is the Town dump attendant with a Town employee. Mr. Zubricki presented a cost analysis for hiring a full-time laborer or a full-time equipment operator. He said that the full-time employee could possibly help out in other areas like the weeding at Conomo Point. The DPW has initially recommended the Town hire an Equipment Operator to fill the position if the Town does decide to allow Covanta to amend the contract. It was agreed that the Board of Public Works and the

Superintendent would be invited to the August 12<sup>th</sup> Selectmen's meeting to discuss the matter further, as well as the possible duties of the new employee. Funding for the position may be sought at the November Town Meeting and, if so, would be more than offset by Covanta making significant contract cost concessions.

Further Research Regarding Alternate Electricity Suppliers: Mr. Zubricki said that he had been in contact with Engie, as suggested by Selectman Pereen. The Board reviewed Engie's current pricing which is a little higher than what the Town's current provider, Constellation, charges. Mr. Zubricki will continue to monitor energy pricing, vet the Engie proposal, and seek out other possible providers.

Soil Testing at Property the Town is Selling on Sumac Drive: Mr. Zubricki said that additional soil testing had been performed on the Sumac Drive lot and the lot does not meet the Title V guidelines for new construction. He recommended that the Board continue to market the lot as perpetually non-buildable. A motion was made, seconded, and unanimously voted to authorize the Chairman to contact each of the three interested potential buyers of the property. All of the buyers have offered about the same price and the Chairman will ask if they would like to increase their offer.

Review of Future Possible Town-Supplied and Maintained Kayak Racks: Mr. Zubricki reported that he has discussed the possibility of Town-owned and maintained kayak racks at Conomo Point with the new Harbormaster, and Harbormaster Fialho has recommended tabling this matter until after the new mooring software has been implemented. The Board was in agreement.

Northeast Coastal Coalition Meeting Summary: Mr. Zubricki, Selectman Phippen, and Selectman Pereen attended the recent Northeast Coastal Coalition Meeting held at the Town Hall. The program for the meeting was a review of the Woods Hole report regarding a regionally shared dredging program. The report concluded that such a program could prove difficult in this area due to lack of a sufficient annual volume of material to be dredged. It is feasible on Cape Cod where there is a large amount of sand readily available for redistribution.

Memorandum of Understanding for Senior Van Services, Manchester: Mr. Zubricki reported that Manchester has signed an MOU with the Town to share senior van services for \$50 per hour. A motion was made, seconded, and unanimously voted to countersign the MOU. The Council on Aging Directors and Town Officials will now work on a transportation schedule.

The Board was reminded of the following events and meetings:

- There will be a joint meeting of the Town Building Committee and the Board of Selectmen on Wednesday, July 24, 2019, starting at 7:00 p.m. in the Town Hall Auditorium.
- The next regular Board of Selectmen's meeting will take place on Monday, July 29, 2019, at 6:00 p.m. in the 2<sup>nd</sup> Floor Stage Conference Area at the Essex Town Hall.

- The Rededication of the Old Essex Burying Ground on Main Street will take place on Saturday, July 27, 2019, starting at 1:00 p.m.
- Swearing-in Ceremony for the new Police Chief and two new Sergeants will take place on Thursday, August 1, 2019, starting at 4:30 p.m. in the Town Hall Auditorium on the 3<sup>rd</sup> floor.

Selectman Pereen agreed to participate, along with Mr. Zubricki, in initial discussions with Manchester Essex Regional School District Superintendent Beaudoin, Director of Operations and Finance Avi Urbas, and the school bus company representative regarding bus pick-up on Turtle Back Road.

Mr. Zubricki reported that both he and Chairman Spinney had met with Superintendent Galli to discuss the proposed changes to the AFSCME contract with respect to clothing allowance. Superintendent Galli is in favor of amending the contract to provide each eligible employee with a specified annual cash allowance for work clothing. The present method of reimbursement based on receipts creates an unreasonable administrative burden. The Board was in agreement.

A motion was made, seconded, and unanimously voted to adjourn the meeting at 8:15 p.m.

Documents used during this meeting include the following: None.

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Peter D. Phippen